



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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*271 Cadman Plaza East  
Brooklyn, New York 11201*

August 20, 2021

By ECF

Honorable Eric N. Vitaliano  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Tempey v. United States Department of Homeland Security,*  
No. 20-cv-5212 (Vitaliano, J.) (Bulsara, M.J.)

Dear Judge Vitaliano:

This Office represents Defendant United States Department of Homeland Security in the above-referenced action. Defendant writes respectfully on behalf of both parties to this action pursuant to the Court's June 14, 2021 Order directing the parties to file a joint status report by August 20, 2021. *See* Dkt. Order, June 14, 2021.

By way of background, Plaintiff seeks to compel the release of records from the Department of Homeland Security that he alleges have been improperly withheld under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Although Defendant has produced records responsive to Plaintiff's FOIA request and a "*Vaughn*" index in accordance with an agreed-upon schedule, Plaintiff has concerns about the adequacy of Defendant's search for responsive records, the propriety of redactions made to Defendant's production based on FOIA exemptions, and the adequacy of Defendant's *Vaughn* index. As explained in Defendant's letter dated June 11, 2021, in an effort to potentially narrow the issues for motion practice, and possibly obviate the need for motion practice altogether, the parties agreed to attempt to negotiate regarding additional searches.

On July 13, 2021, Plaintiff sent Defendant four questions concerning Defendant's search and use of search terms. Plaintiff also stated that he would follow up shortly concerning proposed additional searches related to his FOIA request. On August 3, 2021, Defendant provided responses to Plaintiff's questions.

Defendant currently awaits Plaintiff's proposal regarding additional searches and/or search terms to be used to search for additional responsive records, which Plaintiff is currently preparing and expects to provide to Defendant no later than August 27, 2021.

In order for the parties to keep the Court apprised of the status of this action, the parties suggest that they file another status letter by October 19, 2021.

Very truly yours,

JACQUELYN M. KASULIS  
Acting United States Attorney

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